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**Statement under the Auspices of the UN Working Group on Minorities:
The West Papua Case**

Agenda item 3a,

Thank you Mr. Chairman,

My name is **YAN CHRISTIAN WARINUSSY** from Institute of Research, Analysis and Development for Legal Aid [LP3BH] Manokwari-West Papua. I am representing the West Papua people who are the minority and marginalized in their home land. I would like to focus on article 1.1 of the UN Declaration on Minorities, the right to identity.

For almost four decades, the Papuan people have been one of the minorities of the Indonesia Republic, a marginalized minority which the Indonesia state has done its utmost to splinter and extinguish by physical force.

Serious human rights violations in West Papua include the fundamental fact that, as the Netherlands transferred to control of West Papua to Indonesia, Papuans themselves were never allowed to exercise freely their right to self-determination, through a one person, one vote-referendum- the only legal and acceptable way the right to self-determination of a people can be implemented. Instead, in 1969, a fraudulent vote, the so-called “Act of Free Choice”. Was held , in which 1.026 Papuans [out of a population of 800.000 at the time], handpicked by the Indonesian authorities, were put under pressure to vote for integration with Indonesia. The Papuans refer to this process as the “Act of No Choice”, an act which has serious repercussions on the right to life of each Papuan as an individual, and on the right of Papuans to exist as a people.

Indeed, Indonesia’s controversial integration of West Papua – through the “Act of Free Choice”, violent military campaign, economic exploitation, racial discrimination and other means – has been the fundamental source of conflict in West Papua between Papuans and the Republic of Indonesian armed forces or deprivation deriving directly from Indonesian military operations. When

Indonesian Special Forces [or KOPASSUS] personnel murdered prominent Papuans leader, Theys Eluay in November 11, 2001 and the Special Forces of Indonesia Police [or BRIMOB] personnel murdered 16 people of Papuans in June 2001 to July 2002 at Wasior. Indonesia was using direct and indirect means to coerce and intimidate and silence the Papuan people, and their human rights defenders.

We wish to draw to your attention to three urgent issues that are of immediate concern :

Firstly, the Indonesian central Government has once more created protest and widespread confusion among the people of West Papua by announcing the Presidential Instruction 1/2003 on January 27, 2003 which will split West Papua into the three provinces. This decision, as so many before it, was taken without consulting the Papuan people, as though they did not exist. One extremely problematic consequence of the creation of three provinces in West Papua will be a significant increase in the number of troops in the territory, as each of the separate provinces will have its own regional military command.

Secondly, the Indonesian central Government has not acceded to all major international human rights treaties, in particular the ICCPR, ICESCR, ILO Convention number 169, UN Declaration on Minorities and other UN Treaties that are not ratified yet.

In addition to these immediate concerns, there are systematic and ongoing human rights problems in West Papua, including the massive shift in demographics of the population that will inevitably have negative consequences to the people of West Papua as thousands of outsiders settle in the province.

According to this, Regulation No.21, 2001 [UU No.21, 2001] about Special Autonomy was issued for province of West Papua. Actually this regulation a bit accommodated the aspiration of people of West Papua, such as demand of the fulfillment and the return of basic rights, the solution of cases of Human Rights abuses and straightening of History of West Papua.

This Regulation required the most important things that had to be developed in Papuans were education, health and economy aspects.

These implied in this regulation [Special Autonomy] that stressed on the development of Papuans Human Resources quality through education and health also the development of economy of society.

In fact, Special Autonomy [OTSUS] was executed only a year in West Papua, NKRI government under Megawati Soekarnoputri presidency, Presidential Instruction [INPRES] No.1, 2003 was issued to reimplement the Regulation No.45, 1999 about the Division of Province of Irian Jaya [now as Papua] into 3 [three] provinces.

The issue of Presidential Instruction raised many pro and contra in the People of Papua. The peak of it, there was horizontal conflict that 5 [five] persons were killed in Timika – Papua.

The Indonesian Government has caused and continue to cause serious bodily or mental harm to the Papua people, for the sole reason that they are Papuans. Its military has killed, wounded, raped, robbed, tortured, kidnapped, illegally detained and exterminated a large part of the Papuan people of West Papua.

Until this time the Indonesian Government can not bring a good policy to establish for democratic live, social and political rights and economic development in West Papua.

By doing so, Indonesia is deliberately inflicting on the West Papuan people conditions of life calculated to bring about its physical destruction in whole or in part.

Indonesia should accede to all major international human rights treaties, such as ICCPR, ICESCR, ILO Convention No.169, UN Declaration on Minorities and other UN Treaties that are not ratified yet.

The Papuan people are avoiding conflict as much as possible and are working to establish a “zone of Peace” in the region. They are focussing on maintaining a United stand to avoid provocation by outside forces. The subversive forces are being imposed upon them with the intention of undermining and destroying the Papuan community.

We request the UN Working Group on Minority Rights to take due consideration of the case we have just described, and of its seriousness. We also call upon the members of this Working Group to :

1. Urge the Indonesia Government to ensure that the Indonesian armed forces cease the killing and causing of serious bodily or mental harm to the Papuan people and their human rights defenders;
2. Urge the Indonesian Government to accede to all major international human rights treaties, in particular the ICCPR, ICESCR, ILO Convention No.169 and other UN Treaties that are not ratified yet;
3. Urge the Indonesian Government to stop their action to division of the province of West Papua and just bring to implement of the Special Autonomy with Papuan people;
4. The West Papuans were never given a genuine chance to exercise their right to self-determination, there fore there should be no barrier to re-examining the issue of a referendum under international law.

Thank you Mr.Chairman.